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HITACHI GLOBAL STORAGE
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HITACHI GLOBAL STORAGE
TECHNOLOGIES NETHERLANDS, B.V.,

Plaintiff,

v.

GS MAGIC, INC., GS MAGICSTOR, INC,
and RIOSPRING, INC.,

Defendants.

GS MAGIC, INC.; GS MAGICSTOR, INC.; and
RIOSPRING, INC.

Counterclaimants.

v.

HITACHI GLOBAL STORAGE
TECHNOLOGIES NETHERLANDS, B.V.

Counter Defendant

CASE NO.: C 04-05460-JF (RS)

**PLAINTIFF HGST'S
ADMINISTRATIVE REQUEST FOR
LEAVE TO FILE DOCUMENTS
UNDER SEAL PURSUANT TO
CIVIL L.R. 79-5; [PROPOSED]
ORDER**

Before: Hon. Jeremy Fogel
UNITED STATES DISTRICT JUDGE

ADMINISTRATIVE REQUEST

Pursuant to Civil Local Rules 7-10(b) and 79-5 and to the Protective Order in this case, Plaintiff Hitachi Global Storage Technologies Netherlands, B.V. (“HGST”) moves the Court for leave to file under seal documents lodged with the Court on February 14, 2006. The lodged documents contain information regarding highly confidential agreements and communications that the parties have jointly agreed to keep confidential. Accordingly, HGST requests that these documents be filed under seal.

Moreover, the Protective Order in this case, entered on June 13, 2005, provides that documents in this action that contain or refer to information designated by a party as “Confidential” or “Highly Confidential—Counsel Eyes Only” must be filed under seal.

This request is based upon the below memorandum, accompanying declaration of Daniel E. Alberti (“Alberti Decl.”), the pleadings and papers on file in this action, and such other evidence and argument as may be presented to the Court.

MEMORANDUM

Pursuant to Civil Local Rule 79-5, the Court may order a document that contains confidential information be filed under seal for good cause. HGST respectfully submits that good cause exists for filing under seal the following documents lodged with the Court on February 14, 2006:

- Notice of Motion and Motion for Order to Show Cause; Memorandum of Points and Authorities; and Proposed Order
- Declaration of Ronald J. Pabis in Support of Plaintiff’s Motion for Order to Show Cause why Default Should not be entered

The parties have agreed to keep information regarding the agreements and communications referenced in the documents mentioned above confidential. The parties may be at a competitive disadvantage if their competitors obtain this information. Accordingly, HGST requests that these documents be filed under seal.

Furthermore, on June 13, 2005, Judge Fogel entered the Protective Order in this case. *See* Alberti Decl. ¶ 2. The Protective Order governs the use of confidential information in these

1 proceedings. The Protective Order provides that any protected material including Confidential
2 Information shall be filed under seal pursuant to Civil Local Rule 79-5. Protective Order at ¶ 10.

3
4 Dated: February 14, 2006

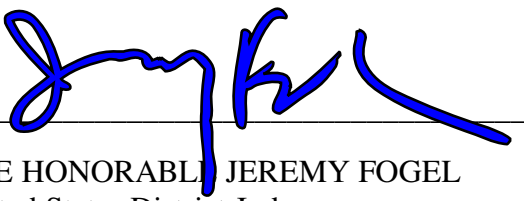
/s/
Daniel E. ALberti
Attorney for Plaintiff
HITACHI GLOBAL STORAGE
TECHNOLOGIES NETHERLANDS, B.V.

[PROPOSED] ORDER

Upon good cause shown, IT IS HEREBY ORDERED that the following documents lodged with the Court on February 14, 2006 be filed under seal:

- Notice of Motion and Motion for Order to Show Cause; Memorandum of Points and Authorities; and Proposed Order
- Declaration of Ronald J. Pabis in Support of Plaintiff's Motion for Order to Show Cause why Default Should not be entered.

Dated: 2/21/06



THE HONORABLE JEREMY FOGEL
United States District Judge